

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:17-cv-709

|                                  |   |                  |
|----------------------------------|---|------------------|
| UNITED STATES OF AMERICA         | ) |                  |
|                                  | ) |                  |
| v.                               | ) | DEFAULT JUDGMENT |
|                                  | ) |                  |
| APPROXIMATELY \$15,100 IN FUNDS  | ) |                  |
| SEIZED DURING THE EXECUTION OF A | ) |                  |
| SEARCH WARRANT AT 8820           | ) |                  |
| BROOMSAGE LANE, APARTMENT J,     | ) |                  |
| CHARLOTTE, NORTH CAROLINA 28217  | ) |                  |

**THIS MATTER** is before the Court on the United States of America's Motion for Default Judgment in this case. (Doc. No. 12). For good cause shown, the Court will **GRANT** the Motion and enter this Default Judgment. The Court **FINDS AS FOLLOWS**:

**BACKGROUND**

On December 6, 2017, the United States filed a Complaint for Forfeiture *in rem* (Doc. No. 1) against the defendant property captioned above. The Complaint alleged that the property is proceeds of drug trafficking and/or was used or intended to be used to facilitate drug trafficking.

From December 8, 2017 through January 6, 2018, pursuant to Federal Rules of Civil Procedure, Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G(4)(a), the Government provided Notice by Publication (Doc. No. 4) of this action. Further, the Government mailed direct notice (Ex. A) of the Complaint to the following individuals and entities:

- Gerardo Rios-Ruiz c/o Jennifer Stevens, Esq.
- Gerardo Rios-Ruiz

Ultimately, Gerardo Rios-Ruiz filed a Claim. (Doc. No. 5). The Government settled to return \$3,775 in seized funds in this case to Gerardo Rios-Ruiz via Consent Order and Judgment, in

exchange for Claimant's release of all other claims in the case. (Doc. No. 8-1: Motion; Doc. No. 9: Order). As a result of the settlement, approximately \$11,325 remains for forfeiture.

Notice of forfeiture of these funds has been properly published and directly provided, there are no claims remaining as to the property, and the time for filing claims has expired. Therefore, on March 5, 2019, on Motion (Doc. No. 10) of the Government, the Clerk of Court entered a default pursuant to Fed. R. Civ. P. 55(a). (Doc. No. 11). Thus, default judgment is appropriate.

### **LEGAL CONCLUSIONS**

Fed. R. Civ. P. 55(b)(2) provides for entry of the requested Default Judgment by the Court. Here, the United States has provided notice of forfeiture in accordance with the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G. Other than Gerardo Rios-Ruiz, whose Claim has been adjudicated, the time period for filing claims has expired. And, no other claims have been filed. Finally, the Clerk has entered default. Therefore, the requested Default Judgment is appropriate.

**BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES** that the Government is entitled to a Judgment of Forfeiture by Default against the Defendant Property.

### **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Government's Motion for Default Judgment, (Doc. No. 12), is hereby **GRANTED**.
2. Any and all right, title, and interest of all persons in the world in or to the Defendant Property is hereby forfeited to the United States, and no other right, title, or interest shall exist therein.

Signed: March 29, 2019



Robert J. Conrad, Jr.  
United States District Judge

